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BEFORE THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

MIKE GLEASON, CHAIRMAN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 JUN -9 P 2:24

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE FILING BY
TUCSON ELECTRIC POWER COMPANY
TO AMEND DECISION NO. 62103.

DOCKET NO. E-01933A-05-0650

IN THE MATTER OF THE APPLICATION
OF TUCSON ELECTRIC POWER
COMPANY FOR THE ESTABLISHMENT
OF JUST AND REASONABLE RATES
AND CHARGES DESIGNED TO REALIZE
A REASONABLE RATE OF RETURN ON
THE FAIR VALUE OF ITS OPERATIONS
THROUGHOUT THE STATE OF
ARIZONA.

DOCKET NO. E-01933A-07-0402

MOTION AND CONSENT OF LOCAL
COUNSEL FOR PRO HAC VICE
ADMISSION OF OUT OF STATE
COUNSEL

The undersigned attorney, pursuant to Rule 33 (c) and (d) Rules of the Supreme Court, moves the Commission to admit Kurt J. Boehm as counsel pro hac vice in the above-captioned matter.

Pursuant to Rule 33(d)3(c) Rules of the Supreme Court, the following exhibits are attached hereto:

1. The original Verified Application;
2. The original Certificates of Good Standing; and
3. The State Bar of Arizona Notice of Receipt.

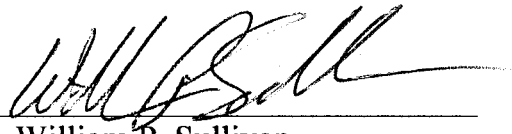
Arizona Corporation Commission
DOCKETED
JUN -9 2008

DOCKETED BY *nl*

1 The filing fee as required by Rule 33(d) has been submitted to the State Bar of
2 Arizona. The undersigned hereby agrees to serve as designated local counsel for the subject
3 matter. A proposed procedural order admitting Kurt J. Boehm accompanies this motion.
4

5 DATED this 9th day of June, 2008.

6 CURTIS, GOODWIN, SULLIVAN,
7 UDALL & SCHWAB, P.L.C.

8 
9

10 William P. Sullivan
11 501 East Thomas Road
12 Phoenix, Arizona 85012-3205
13 Designated Local Counsel
14 for The Kroeger Co.
15
16
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25

1 PROOF OF AND CERTIFICATE OF MAILING

2 I hereby certify that on this 9th day of June, 2008, I caused the foregoing
3 document to be served on the Arizona Corporation Commission by delivering the original and
4 fifteen (15) copies of the above to:

5 Docket Control
6 Arizona Corporation Commission
7 1200 West Washington
8 Phoenix, Arizona 85007

9 COPY of the foregoing hand delivered/
10 mailed this 9th day of June, 2008 to:

11 Christopher Kempley
12 Legal Division
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Ernest Johnson
16 Utilities Division
17 1200 West Washington
18 Phoenix, Arizona 85007

19 Lyn Farmer
20 Hearing Division
21 1200 West Washington
22 Phoenix, Arizona 85007

23 Michael Patten
24 Roshka DeWulf & Patten
25 400 East Van Buren Street #800
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General Attorney, Regulatory Law Office
Office of the Judge Advocate General
Department of the Army
901 North Stuart Street, Room 713
Arlington, Virginia 22203-1644

Dan Neidlinger
Neidlinger & Assoc.
3020 North 17th Drive
Phoenix, Arizona 85015

Daniel D. Haws
OSJA, ATTN: ATZS-JAD
USA Intelligence Center and Ft. Huachuca
Ft. Huachuca, Arizona 85613-6000

1 C. Webb Crockett
2 Fennemore Craig, PC
3 3003 North Central Avenue
4 Phoenix, Arizona 85012-2913

5 Nicholas J. Enoch
6 Lubin & Enoch, PC
7 349 North Fourth Avenue
8 Phoenix, Arizona 85003

9 Timothy M. Hogan
10 Arizona Center for Law in the Public
11 Interest
12 202 East McDowell Road, Suite 153
13 Phoenix, Arizona 85004

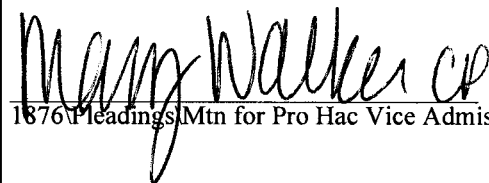
14 David Berry
15 Western Resource Advocates
16 P.O. Box 1064
17 Scottsdale, Arizona 85252-1064

18 Barbara A. Klemstine
19 Brian Brumfield
20 Arizona Public Service
21 P.O. Box 53999
22 Mail Station 9708
23 Phoenix, Arizona 85072-3999

24 Deborah R. Scott
25 Robert J. Metli
26 Snell & Wilmer LLP
27 One Arizona Center
28 400 East Van Buren
29 Phoenix, Arizona 85004-2202

30 Lawrence Robertson
31 P.O. Box 1448
32 Tubac, Arizona 85646

33 Greg Patterson
34 916 West Adams, Suite 3
35 Phoenix, Arizona 85007

36 

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Energy Program Staff Attorney
Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

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Tucson, Arizona 85716

Cynthia Zwick
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Phoenix, Arizona 85016

Billy Burtnett
3341 North Riverbend Circle East
Tucson, Arizona 85750-2509

TO PRINT



For Official Use Only

App# 1004031

Pro Hac ID # 2107400

NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION

RECEIVED

MAY 23 2008

State Bar of Arizona
Resource Center Department

Name: Kurt J. Boehm

Residence Address: 6082 Crittenden Dr. Cincinnati, OH 45244

Office Address: 36 E. Seventh St., Suite 1510, Cincinnati, Ohio 45202

Telephone: 513.421.2255

Fax: 513.421.2764

Title of cause or case where applicant seeks to appear: App. Of Tucson Electric for Just & Reasonable Rates

Docket Number: E-01933A-07-0402, et. al.

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: The Kroger Co.

Courts to Which Applicant Has Been Admitted:

Kentucky

Ohio

Date of Admission:

2002

2003

Bar Number:

89327

0076047

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is ☒ is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where
Discipline Matter Pending:

Nature of Matter
Under Investigation:

Name / Address of
Disciplinary Authority:

Applicant ☐ has ☒ has not (select one) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 38(a), Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
			N/A
			N/A
			N/A
			N/A

Name of local counsel: William P. Sullivan

State Bar of Arizona Number: 005956

Address: 501 E. Thomas Road, Phoenix, Arizona 85012

Telephone: 602.393.1700

Fax: 602.393.1703

Name(s) of each party in this cause and name and address of all counsel of record:

Party:

Counsel of Record:

Address:

See attached.

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$391.00.

This case or cause ☐ is ☒ is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF Ohio)
County of Hamilton) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 5/20/08

Applicant's signature

Kurt J. Boehm

SUBSCRIBED AND SWORN TO before me this 20 day of MAY, 2008 by
KURT J. BOEHM
Name of Applicant



Kimberly Walton
Notary Public, State of Ohio
My commission expires 08/26/2009

NOTE – As the application requires original signatures of the applicant and notary, this application cannot be filed electronically. Please submit all documents and fees by mail to:

State Bar of Arizona
Pro Hac Vice
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016

For further information, please contact our Membership Records Department at 602-340-7239.

Company	Contact	Address
	Peter Nyce	Office of the Judge Advocate Gen. Arlington, Virginia 22203-1644
	Michael Kurtz	36 E. Seventh St. - 2110 Cincinnati, Ohio 45202
	Eric Guidry	2260 Baseline Rd. - 200 Boulder, Colorado 80302
	Nicholas Enoch	349 N. Fourth Ave. Phoenix, Arizona 85003
	Timothy Hogan	202 E. McDowell Rd. - 153 Phoenix, Arizona 85004
	Gary Yaquinto	Arizona Utility Investors Association Phoenix, Arizona 85004
	Deborah Scott	400 E. Van Buren St Phoenix, Arizona 85004-2202
	Michael Patten	400 E. Van Buren St. - 800 Phoenix, Arizona 85004-3906
	Scott Wakefield	1110 W. Washington St. - 220 Phoenix, Arizona 85007
	Greg Patterson	916 W. Adams - 3 Phoenix, Arizona 85007
	C. Webb Crockett	3003 N. Central Ave. - 2600 Phoenix, Arizona 85012-2913
	Dan Neidlinger	Neidlinger & Assoc. Phoenix, Arizona 85015
	Cynthia Zwick	1940 E. Luke Avenue Phoenix, Arizona 85016
	Michael Grant	2575 E. Camelback Rd. Phoenix, Arizona 85016-9225
	S. Childers	Low & Childers, P.C. Phoenix, Arizona 85018
	Thomas Mumaw	P.O. Box 53999, Station 9905 Phoenix, Arizona 85072-3999
	Barbara Klemstine	P.O. Box 53999 Phoenix, Arizona 85072-3999
	David Berry	P.O. Box 1064 Scottsdale, Arizona 85252-1064
	Christopher Hitchcock	Law Offices of Christopher Hitchcock, P.L.C. Bisbee, Arizona 85603
	Daniel Haws	OSJA, ATTN: ATZS-JAD Ft. Huachuca, Arizona 85613-6000
	Lawrence Robertson, Jr.	P.O. Box 1448 Tubac, Arizona 85646
	Raymond Heyman	Unisource Energy Corporation Tucson, Arizona 85701
	Michelle Livengood	Tucson Electric Power Company Tucson, Arizona 85701
	Jeff Schlegel	1167 W. Samalayuca Dr. Tucson, Arizona 85704-3224

	John O'Hare	3865 N. Tucson Blvd. Tucson, Arizona 85716
	Billy Burtnett	3341 N. Riverbend Circle East Tucson, Arizona 85750-2509
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927
Arizona Corporation Commission	Ernest Johnson	1200 W. Washington Phoenix, Arizona 85007-2927
Arizona Corporation Commission	Chris Kempley	1200 W. Washington Phoenix, Arizona 85007-2927

The Supreme Court of Ohio

C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Kurt Joseph Boehm

was admitted to the practice of law in Ohio on May 09, 2003; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 15th day of May, 2008.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Gai Moore
Attorney Registration Specialist

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1883
(502) 564-3795
FAX (502) 564-3225



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THIS IS TO CERTIFY THAT

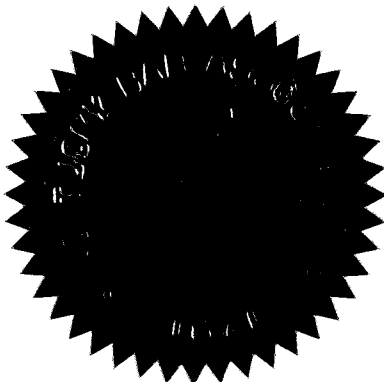
KURT JOSEPH BOEHM

*6082 Crittenden Drive
Cincinnati, Ohio 45244*

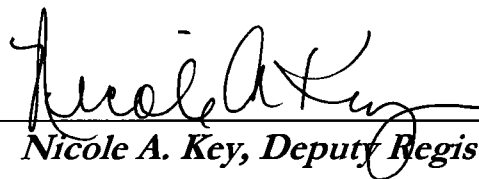
Membership No. 89327

*is an active member in good standing with the Kentucky Bar Association as required by the
Rules of the Supreme Court of Kentucky. Dated this 14th day of May, 2008.*

***JAMES L. DECKARD
REGISTRAR***



By:



Nicole A. Key, Deputy Registrar

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Arizona Coporation Commission

App. Of Tucson Electric for Just
& Reasonable Rates

Plaintiff,

v.

Defendant.

CASE # E-01933A-07-0402

SBA App # 1004031

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

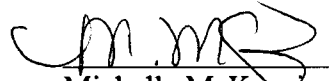
NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
received the verified application and fee from Kurt J. Boehm.

In addition to this application, applicant has made the following applications to appear
pro hac vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
Good Standing are attached hereto.

DATED this 30th day of May 2008


Michelle McKenzie
Resource Center
State Bar of Arizona

Original Mailed on this 30th day of May 2008 to:

William P. Sullivan
Curtis Goodwin Sullivan Udall & Schwab PLC
501 E. Thomas Rd
Phoenix, AZ 85012-3205

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 MIKE GLEASON, CHAIRMAN

4 WILLIAM A. MUNDELL

5 JEFF HATCH-MILLER

6 KRISTIN K. MAYES

7 GARY PIERCE

8 IN THE MATTER OF THE FILING BY
9 TUCSON ELECTRIC POWER COMPANY
10 TO AMEND DECISION NO. 62103.

DOCKET NO. E-01933A-05-0650

11 IN THE MATTER OF THE APPLICATION
12 OF TUCSON ELECTRIC POWER
13 COMPANY FOR THE ESTABLISHMENT
14 OF JUST AND REASONABLE RATES
15 AND CHARGES DESIGNED TO REALIZE
16 A REASONABLE RATE OF RETURN ON
17 THE FAIR VALUE OF ITS OPERATIONS
18 THROUGHOUT THE STATE OF
19 ARIZONA.

DOCKET NO. E-01933A-07-0402

**PROCEDURAL ORDER RE: PRO HAC
VICE ADMISSION OF OUT OF STATE
COUNSEL**

20 Based upon the Motion for Admission Pro Hac Vice of Kurt J. Boehm and the
21 consent to appear as local counsel by William P. Sullivan of Curtis, Goodwin, Sullivan, Udall
22 & Schwab, PLC, it is hereby ordered that Kurt J. Boehm be admitted pro hac vice as counsel
23 for The Kroeger Co. in the above referenced matter.

24 DATED this _____ day of June, 2008.

25 _____
JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

1 COPIES of the foregoing
2 mailed this ____ day of June, 2008 to:

3 Ernest Johnson
4 Utilities Division
5 1200 West Washington
6 Phoenix, Arizona 85007

7 Christopher Kempley
8 Janice Alward
9 1200 West Washington
10 Phoenix, Arizona 85007

11 Michael Patten
12 Roshka DeWulf & Patten
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Energy Program Staff Attorney
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23 Cynthia Zwick
24 1940 East Luke Avenue
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